

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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BEVERLY WILLIAMS	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KYW-TV	:	
and	:	
CBS CORPORATION	:	
and	:	
VIACOM, INC.	:	NO. 02-3183
	:	
Defendants.	:	

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**ORDER**

It is hereby ORDERED and DIRECTED that the Court's Scheduling Order of June 26, 2002, is modified as follows:

1.     Disclosures: The parties will make the disclosures required under Fed. R. Civ. P. 26(a) by July 31, 2002. With regard to documents, the parties need list only documents that have not yet been disclosed or produced.
  
2.     Amendment of the Pleadings: Plaintiff may amend her pleadings, if necessary, by July 19, 2002. Defendants shall answer or otherwise respond within twenty (20) days thereafter.
  
3.     Limit on Depositions: The parties shall agree by August 12, 2002 on the final number of witnesses to be deposed.

4. Written Discovery: The parties' written discovery requests may exceed the limitations prescribed by the Federal Rules, but only if they are reasonably calculated to adduce evidence that is necessary to their cases and not irrelevant, overly burdensome, duplicative or harassing. Both parties agree to review their pending requests to ensure their compliance with this guideline. This provision will apply to all discovery requests that are currently pending. If the parties disagree on whether a given request fits within the scope of this agreement, either party may ask the Court to rule on the propriety of the request but only after the consultation required by Local Rule 26.1(f).

5. Expert Reports: Plaintiff shall file her expert reports within thirty (30) days after the date, if any, on which defendants are required to produce documents pursuant to the Court's ruling on Plaintiff's Motion to Compel. If the Court denies plaintiff's motion in its entirety, plaintiff shall produce any and all expert reports within thirty (30) days of the Court's ruling on the Motion. Defendants' expert reports are due thirty (30) days after receipt of plaintiff's reports. Any expert may be deposed after his or her report is exchanged. The parties shall make every reasonable effort to complete expert depositions before the close of discovery.

6. Oral Argument: Oral argument on the plaintiff's motion for remand and motion to compel will be held at 2:00 p.m. on July 26, 2002. Plaintiff's motion and brief will be due on July 15, 2002. Defendants' brief will be due on July 22, 2002.

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Robreno, J.

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Plaintiff,	:	
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v.	:	
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CBS CORPORATION	:	
and	:	NO. 02-3183
VIACOM, INC.	:	
	:	
Defendants.	:	

**PARTIES' JOINT SUBMISSION ON  
DISCOVERY PURSUANT TO Fed. R. Civ. P. 26(f)**

After conferring as directed on a discovery plan pursuant to Fed. R. Civ. P. 26(f), the parties respectfully submit the following report and a proposal for the Court's review and approval. The parties either have reached resolution on or have made substantial progress towards reaching resolution on a number of pending discovery issues. Any unresolved issues will be the subject of a motion to compel.

**II.     Discovery**

The parties have agreed on the following issues, and respectfully ask the Court to modify its Scheduling Order dated June 26, 2002 (and entered on July 1, 2002), to include these provisions:

1. Disclosures: The parties will make the disclosures required under Fed. R. Civ. P. 26(a) by July 31, 2002. With regard to documents, the parties need list only documents that have not yet been disclosed or produced.

2. Amendment of the Pleadings: Plaintiff may amend her pleadings, if necessary, by July 19, 2002. Defendants shall answer or otherwise respond within twenty (20) days thereafter.

3. Limit on Depositions: The parties shall agree by August 12, 2002 on the final number of witnesses to be deposed.

4. Written Discovery: The parties agree to abide by the Court's preference in favor of flexibility on the number of written discovery requests any party may serve.

Accordingly, the parties' written discovery requests may exceed the limitations prescribed by the Federal Rules, but only if they are reasonably calculated to adduce evidence that is necessary to their cases and not irrelevant, overly burdensome, duplicative or harassing. Both parties agree to review their pending requests to ensure their compliance with this guideline. This provision will apply to all discovery requests that are currently pending. If the parties disagree on whether a given request fits within the scope of this agreement, either party may ask the Court to rule on the propriety of the request but only after the consultation required by Local Rule 26.1(f).

5. Expert Reports: Plaintiff shall file her expert reports within thirty (30) days after the date, if any, on which defendants are required to produce documents pursuant to the Court's ruling on Plaintiff's Motion to Compel. If the Court denies plaintiff's motion in its entirety, plaintiff shall produce any and all expert reports within thirty (30) days of the Court's ruling on the Motion. Defendants' expert reports are due thirty (30) days after receipt of

plaintiff's reports. Any expert may be deposed after his or her report is exchanged. The parties shall make every reasonable effort to complete expert depositions before the close of discovery.

III. Argument

The parties respectfully ask the Court to reschedule the arguments on plaintiff's Motion for Remand and her Motion to Compel Discovery for July 26, 2002, and that the deadlines for submitting any motion to compel be modified as follows:

1. Plaintiff's motion and brief will be due on July 15, 2002.
2. Defendant's brief will be due on July 22, 2002.

The parties have attached a form of Order incorporating these changes for the Court's convenience as Exhibit A.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I, Vernon L. Francis, do hereby certify that on this 10<sup>th</sup> day of July 2002, a true and correct copy of the foregoing Parties' Joint Submission on Discovery Pursuant to Fed. R. Civ. P.26(f) and Form of Order was served on the following via hand delivery:

Gillian Thomas, Esquire  
Willig, Williams & Davidson  
1845 Walnut Street  
Twenty Fourth Floor  
Philadelphia, PA 19103

Dated July 10, 2002

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Vernon L. Francis